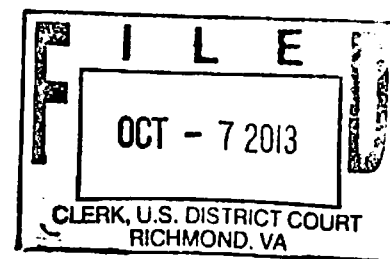


IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Richmond Division



UNITED STATES OF AMERICA	)	CRIMINAL NO. 3:13cr127
	)	
v.	)	
	)	
JOSHUA CLAYTON BRADY,	)	
	)	
Defendant.	)	

PLEA AGREEMENT

Dana J. Boente, Acting United States Attorney for the Eastern District of Virginia,  
Michael C. Moore, Assistant United States Attorney, the defendant, JOSHUA CLAYTON  
BRADY, and the defendant's counsel, Mary E. Maguire, Esquire have entered into the following  
agreement pursuant to Rule 11 of the Federal Rules of Criminal Procedure:

**1. Offense and Maximum Penalties**

The defendant agrees to plead guilty to Counts One and Two of the indictment, each of  
which charges the defendant with **Impersonating a Federal Officer**, in violation of Title 18,  
United States Code, Section 912. The maximum penalty upon conviction of each count is a term  
of three (3) years of imprisonment, a fine of \$250,000.00, a special assessment, and one (1) year  
of supervised release. The defendant understands that this supervised release term is in addition  
to any prison term the defendant may receive, and that a violation of a term of supervised release  
could result in the defendant being returned to prison for the full term of supervised release. The  
defendant also understands that any terms of incarceration for supervised release violations on  
Counts One and Two could run consecutively with each other.

The defendant is also charged with violating the terms of his supervised release conditions in *United States v. Joshua Clayton Brady*, 3:11cr314, a matter pending in this Court. He agrees that the statement of facts supporting his guilty plea in this matter also establish his guilt on the supervised release violation by a preponderance of the evidence.

**2. Factual Basis for the Plea**

The defendant will plead guilty because the defendant is in fact guilty of the charged offense. The defendant admits the facts set forth in the statement of facts filed with this plea agreement and agrees that those facts establish guilt of the offense charged beyond a reasonable doubt. The statement of facts, which is hereby incorporated into this plea agreement, constitutes a stipulation of facts for purposes of Section 1B1.2(a) of the Sentencing Guidelines.

**3. Assistance and Advice of Counsel**

The defendant is satisfied that the defendant's attorney has rendered effective assistance. The defendant understands that by entering into this agreement, defendant surrenders certain rights as provided in this agreement. The defendant understands that the rights of criminal defendants include the following:

- a. the right to plead not guilty and to persist in that plea;
- b. the right to a jury trial;
- c. the right to be represented by counsel – and if necessary have the court appoint counsel – at trial and at every other stage of the proceedings; and
- d. the right at trial to confront and cross-examine adverse witnesses, to be protected from compelled self-incrimination, to testify and present evidence, and to compel the attendance of witnesses.

**4. Role of the Court and the Probation Office**

The defendant understands that the Court has jurisdiction and authority to impose any sentence within the statutory maximum described above but that the Court will determine the defendant's actual sentence in accordance with Title 18, United States Code, Section 3553(a). The defendant understands that the Court has not yet determined a sentence and that any estimate of the advisory sentencing range under the U.S. Sentencing Commission's Sentencing Guidelines Manual the defendant may have received from the defendant's counsel, the United States, or the Probation Office, is a prediction, not a promise, and is not binding on the United States, the Probation Office, or the Court. Additionally, pursuant to the Supreme Court's decision in *United States v. Booker*, 543 U.S. 220, 125 S. Ct. 738 (2005), the Court, after considering the factors set forth in Title 18, United States Code, Section 3553(a), may impose a sentence above or below the advisory sentencing range, subject only to review by higher courts for reasonableness. The United States makes no promise or representation concerning what sentence the defendant will receive, and the defendant cannot withdraw a guilty plea based upon the actual sentence.

However, in accordance with Rule 11(c)(1)(B) of the Federal Rules of Criminal Procedure, the United States will recommend the following global disposition in the instant matter and the supervised release violation at sentencing:

- A. As to the supervised release violation pending in *United States v. Joshua Clayton Brady*, 3:11cr314, the government will recommend that the Court impose a sentence of twenty-four (24) months' incarceration, with no further supervision to follow on that matter. The government will ask the Court to request that the United States Bureau of Prisons place the defendant in an

institution that will provide suitable treatment for any mental health problems from which he suffers.

- B. As to the instant matter, the government will recommend that the Court impose a sentence of five years' probation. During this five (5) year period, the defendant shall be subject to the standard supervision conditions as well as the following special conditions: (a) participation in all mental health treatment directed by the probation office; (b) compliance with any medication regimen prescribed by any mental health provider; and (c) a complete ban on the use of any computer or other electronic device linked with the internet, or, alternatively, internet use only on a home computer or electronic device that is subject to constant monitoring by the probation office. Condition (c) shall be subject to modification at the discretion of the probation office depending on the defendant's progress and conduct while on probation.

The defendant acknowledges that this sentencing recommendation will not be binding on the Court, and that he will not be able to withdraw his plea if the Court declines to follow this recommendation.

The United States and the defendant agree that the defendant has assisted the government in the investigation and prosecution of the defendant's own misconduct by timely notifying authorities of the defendant's intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the Court to allocate their resources efficiently. If the defendant qualifies for a two-level decrease in offense level pursuant to U.S.S.G. § 3E1.1(a) and the offense level prior to the operation of that section is a

level 16 or greater, the government agrees to file, pursuant to U.S.S.G. § 3E1.1(b), a motion prior to, or at the time of, sentencing for an additional one-level decrease in the defendant's offense level.

**5. Waiver of Appeal, FOIA and Privacy Act Rights**

The defendant also understands that Title 18, United States Code, Section 3742 affords a defendant the right to appeal the sentence imposed. Nonetheless, the defendant knowingly waives the right to appeal the conviction and any sentence within the statutory maximum described above (or the manner in which that sentence was determined) on the grounds set forth in Title 18, United States Code, Section 3742 or on any ground whatsoever, in exchange for the concessions made by the United States in this plea agreement. This agreement does not affect the rights or obligations of the United States as set forth in Title 18, United States Code, Section 3742(b). The defendant also hereby waives all rights, whether asserted directly or by a representative, to request or receive from any department or agency of the United States any records pertaining to the investigation or prosecution of this case, including without limitation any records that may be sought under the Freedom of Information Act, Title 5, United States Code, Section 552, or the Privacy Act, Title 5, United States Code, Section 552a.

**6. Special Assessment**

Before sentencing in this case, the defendant agrees to pay a mandatory special assessment of one hundred dollars (\$100.00) per count of conviction.

**7. Payment of Monetary Penalties**

The defendant understands and agrees that, pursuant to Title 18, United States Code, Section 3613, whatever monetary penalties are imposed by the Court will be due immediately and subject to immediate enforcement by the United States as provided for in Section 3613.

Furthermore, within 14 days of a request, the defendant agrees to provide all of his financial information to the United States and the Probation Office and, if requested, to participate in a pre-sentencing debtor's examination and/or complete a financial statement under penalty of perjury. If the Court imposes a schedule of payments, the defendant understands that the schedule of payments is merely a minimum schedule of payments and not the only method, nor a limitation on the methods, available to the United States to enforce the judgment. If the defendant is incarcerated, the defendant agrees to voluntarily participate in the Bureau of Prisons' Inmate Financial Responsibility Program, regardless of whether the Court specifically directs participation or imposes a schedule of payments.

**8. Immunity from Further Prosecution in this District**

The United States will not further criminally prosecute the defendant in the Eastern District of Virginia for the specific conduct described in the indictment or statement of facts.

Furthermore, the United States will not prosecute the defendant in the Eastern District of Virginia for any offense (including, but not limited to, his impersonation of a federal official) arising from the following: (a) his June-August 2012 contact with an individual (initials G.F.) in the State of Texas and attendant contacts with the Harker Heights, Texas Police Department regarding the same; (b) his June-August 2012 contact with individuals (initials C.B. and L.H.) in the State of Texas and attendant contacts with the Hays County, Texas Sheriff's and Constable's Offices regarding the same; and (c) his June-August 2012 contacts with the Charlottesville Police Department and impersonation of a federal official during the same. If requested, the United States will contact prosecuting offices in those jurisdictions and ask that they abide by the immunity provision of this agreement. Nothing in this agreement, however, bars consideration of those incidents in determining an appropriate sentence in this or any other matter.

Finally, the defendant is currently subject to good behavior for sentences imposed by the Circuit Courts of Colonial Heights (Dkt. 06-90-01) and Chesterfield County (Dkt. CR10F763-01-07). If requested, the government will contact the Commonwealth's Attorney's Offices for the City of Colonial Heights and County of Chesterfield and ask that they refrain from instituting violation proceedings based on the conduct to which the defendant is admitting by entering his guilty plea.

**9. Breach of the Plea Agreement and Remedies**

This agreement is effective when signed by the defendant, the defendant's attorney, and an attorney for the United States. The defendant agrees to entry of this plea agreement at the date and time scheduled with the Court by the United States (in consultation with the defendant's attorney). If the defendant withdraws from this agreement, or commits or attempts to commit any additional federal, state or local crimes, or intentionally gives materially false, incomplete, or misleading testimony or information, or otherwise violates any provision of this agreement, then:

- a. The United States will be released from its obligations under this agreement. The defendant, however, may not withdraw the guilty plea entered pursuant to this agreement;
- b. The defendant will be subject to prosecution for any federal criminal violation, including, but not limited to, perjury and obstruction of justice, that is not time-barred by the applicable statute of limitations on the date this agreement is signed. Notwithstanding the subsequent expiration of the statute of limitations, in any such prosecution, the defendant agrees to waive any statute-of-limitations defense; and

- c. Any prosecution, including the prosecution that is the subject of this agreement, may be premised upon any information provided, or statements made, by the defendant, and all such information, statements, and leads derived therefrom may be used against the defendant. The defendant waives any right to claim that statements made before or after the date of this agreement, including the statement of facts accompanying this agreement or adopted by the defendant and any other statements made pursuant to this or any other agreement with the United States, should be excluded or suppressed under Fed. R. Evid. 410, Fed. R. Crim. P. 11(f), the Sentencing Guidelines or any other provision of the Constitution or federal law.

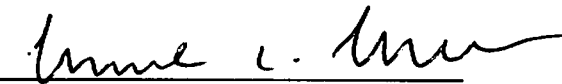
Any alleged breach of this agreement by either party shall be determined by the Court in an appropriate proceeding at which the defendant's disclosures and documentary evidence shall be admissible and at which the moving party shall be required to establish a breach of the plea agreement by a preponderance of the evidence.



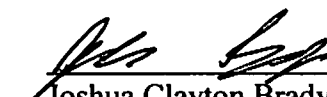
**10. Nature of the Agreement and Modifications**

This written agreement constitutes the complete plea agreement between the United States, the defendant, and the defendant's counsel. The defendant and his attorney acknowledge that no threats, promises, or representations have been made, nor agreements reached, other than those set forth in writing in this plea agreement, to cause the defendant to plead guilty. Any modification of this plea agreement shall be valid only as set forth in writing in a supplemental or revised plea agreement signed by all parties.

Dana J. Boente  
Acting United States Attorney


By:   
Michael C. Moore  
Assistant United States Attorney

Defendant's Signature: I hereby agree that I have consulted with my attorney and fully understand all rights with respect to the pending indictment. Further, I fully understand all rights with respect to Title 18, United States Code, Section 3553 and the provisions of the Sentencing Guidelines Manual that may apply in my case. I have read this plea agreement and carefully reviewed every part of it with my attorney. I understand this agreement and voluntarily agree to it.

Date: 10/7/13   
Joshua Clayton Brady  
Defendant

Defense Counsel Signature: I am counsel for the defendant in this case. I have fully explained to the defendant the defendant's rights with respect to the pending indictment. Further, I have reviewed Title 18, United States Code, Section 3553 and the Sentencing Guidelines Manual, and I have fully explained to the defendant the provisions that may apply in this case. I have carefully reviewed every part of this plea agreement with the defendant. To my knowledge, the defendant's decision to enter into this agreement is an informed and voluntary one.

Date: 10/7/13

  
Counsel for the Defendant

U. S. DEPARTMENT OF JUSTICE  
Statement of Special Assessment Account

This statement reflects your special assessment only. There may be other penalties imposed at sentencing.

ACCOUNT INFORMATION	
CRIM. ACTION NO.:	CRIMINAL NO. 3:13cr127
DEFENDANT'S NAME:	JOSHUA CLAYTON BRADY
PAY THIS AMOUNT:	\$200.00

INSTRUCTIONS:

1. **MAKE CHECK OR MONEY ORDER PAYABLE TO:**  
*CLERK, U.S. DISTRICT COURT*
2. **PAYMENT MUST REACH THE CLERK'S OFFICE BEFORE YOUR SENTENCING DATE**
3. **PAYMENT SHOULD BE SENT TO:**

	In person (9 AM to 4 PM)	By mail:
<b>Alexandria cases:</b>	Clerk, U.S. District Court 401 Courthouse Square Alexandria, VA 22314	
<b>Richmond cases:</b>	Clerk, U.S. District Court 701 East Broad Street, Suite 3000 Richmond, VA 23219	
<b>Newport News cases:</b>	Clerk, U.S. District Court 2400 West Ave, Ste 100 Newport News, VA 23607	
<b>Norfolk cases:</b>	Clerk, U.S. District Court 600 Granby Street Norfolk, VA 23510	

4. **INCLUDE DEFENDANT'S NAME ON CHECK OR MONEY ORDER**
5. **ENCLOSE THIS COUPON TO ENSURE PROPER and PROMPT APPLICATION OF PAYMENT**